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MITIGATED NEGATIVE DECLARATION

September 17, 2009

Project Name: Little Page Wireless Telecommunications Facility Major Use Permit

Project Number(s): P08-013; Log No. 08-09-004

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biological Resources and Stormwater Management
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGICAL RESOURCES

Prior to obtaining any building or other permit pursuant to this Major Use Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:

1. Provide evidence to the satisfaction of the Director of Planning and Land that 0.21 acres of oak woodland habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Central Foothills or Northern Foothills ecoregion. Evidence of purchase shall include the following information to be provided by the mitigation bank:
[DPLU, FEE X2]
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

Prior to the approval of any grading and or improvement plans and prior to issuance of any grading or construction permit pursuant to this Major Use

Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:

1. Provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use(DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans, and or Building Plans:

- a. "Restrict all brushing, clearing and/or grading such that none will be allowed within 500 feet of raptor habitat or within 300 feet of migratory bird habitat during the breeding season of raptors and breeding birds. This is defined as occurring between February 1 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nesting migratory birds or raptors are present in the vicinity of the brushing, clearing or grading." **[DPLU, FEE]**

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

The proposed equipment enclosure will have a stucco finish and will be painted to match the existing residence onsite to harmonize with the existing environment and the 7 foot high CMU wall will attenuate noise impacts associated with the proposed equipment cabinets.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Jarrett Ramaiya, Planning Manager
Project Planning Division